



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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PATENT
TECHNOLOGY CENTER R3780
NOV 18 2003

In re Application of: Brian J. Brown and Michael L. Davis
Application No.: 09/666866
Filed: September 20, 2000
For: Improved Longitudinally Flexible Expandable Stent
Group Art Unit: 3738

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Docket No.: S63.2N-5605-US04

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Listed below or on an attached form listing the cited references and/or a copy of a PTO-892 form is information known to applicant(s). A copy of each listed publication, U.S. patent, foreign patent and U.S. patent application is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98, *except that* U.S. applications from which priority is claimed under 35 U.S.C. §120, and documents cited in such priority applications, may be omitted from the enclosures pursuant to 37 C.F.R. 1.98(d). Applicant's submission of copies of U.S. applications does not constitute a waiver of the confidentiality of such applications. As such, **Applicant requests that any copies of unpublished US applications submitted herewith be excluded from the file wrapper pursuant to 37 C.F.R. §1.14.**

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If the form listing the cited references or PTO-892 from a prior application is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

Applicant notes that applications 09/197,278, U.S. 09/599,674 and 09/666,866, listed in the IDS dated March 21, 2003 were inadvertently listed as not being related by priority. Applicant wishes to clarify that all three of the above applications claim priority from the instant application.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

Applications that are listed on the accompanying form listing the cited references as related by priority are related by priority claim under 35 USC §120. Pursuant to 37 CFR §1.98(d), no copies of cited art in a previous application(s) to which priority was claimed need be submitted. Applicant is providing copies of the form listing the cited references and/or 892 forms from these cases.

 I. This statement qualifies as a no-fee Information Disclosure Statement under *37 C.F.R. §1.97(b)* or otherwise because to the knowledge of the undersigned attorney it is being filed (check all that apply):

- (1) within 3 months of the filing date of the application (other than a CPA); or
- (2) within 3 months of entry of the national stage; or
- (3) before the mailing of a first Office Action on the merits;
- (4) before the mailing of a first Office Action after the filing of a request for continued examination (RCE) under §1.114;
- (5) as part of a continued prosecution application (CPA); or
- (6) during the period of a suspension of action for a CPA under *37 C.F.R. §1.103(b)*.

 II. This statement is believed to require a fee or the submission of a certification under *37 C.F.R. §1.97 (c)* or otherwise. If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application (other than CPA); (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; (3) the mailing of a first Office Action on the merits; (4) the mailing of a first Office Action after the filing of a request for continued examination under §1.114; or (5) after the filing of a request for a continued prosecution application, but before the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311 or an action that otherwise closes prosecution in the application, then:

(1) a certification as specified in §1.97(e) is provided below; or
 (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

III. *37 C.F.R. §1.97(d).* If this statement is being filed after the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, but before payment of the issue fee, then:

(1) a certification as specified in §1.97(e) is completed below; and
 (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with payment of other papers filed together with this statement.

X *IV. Fee Authorization.* If any fee is due for consideration of this Information Disclosure Statement and full payment has not been submitted herewith, regardless of which boxes have been checked above, the Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 22-0350. The Commissioner is hereby authorized to credit any overpayment associated with this communication to Deposit Account No. 22-0350.

If paragraph II.1 or III is checked, also check one of the paragraphs below

 I hereby certify, under 37 CFR §1.97(e)(1), that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the date of the filing of this information disclosure statement.

 This communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

 I hereby certify, under 37 CFR §1.97(e)(2), that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the

information disclosure statement was known to any individual designated in 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

For the purpose of this certification, Applicant considers the PCT International Search Authority to constitute a foreign patent office.

If this Information Disclosure Statement has been submitted without the appropriate box checked, Applicant requests that this Information Disclosure Statement be considered nevertheless if it is timely submitted under any of the provisions of 37 C.F.R. §1.97 or otherwise. Finally, if any petition is necessary to ensure consideration of this Information Disclosure Statement, Applicant requests that this be treated as such a petition.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

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LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)			ATTY DOCKET NO.: S63.2N-5605-US04		APPLICATION NO.: 09/666866		
			APPLICANT: Brian J. Brown and Michael L. Davis				
			FILING DATE: September 20, 2000			GROUP: 3738	
REFERENCE DESIGNATION		U.S. PATENT AND PUBLISHED APPLICATION DOCUMENTS					
EXAM'S INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS SUBCLASS	FILING DATE IF APPROPRIATE	
	AA	4665906	5/19/87	Jervis	128/92	RECEIVED NOV 12 2003 TECHNOLOGY CENTER R3700	
	AB	5549663	8/27/96	Cottone, Jr.	623/1		
	AC	5697971	12/16/97	Fischell et al.	623/1		
	AD	5716365	2/10/98	Goicoechea et al.	606/108		
	AE	5716393	2/10/98	Lindenberg et al.	623/1.2		
	AF	5718724	2/17/98	Goicoechea et al.	606/1		
	AG	5755781	5/26/98	Jayaraman	623/1		
	AH	5776180	7/07/98	Goicoechea et al.	606/1		
	AI	5776183	7/07/98	Kanesaka et al.	623/1		
	AJ	5800508	9/01/98	Goicoechea et al.	606/108		
	AK	5855600	1/05/99	Alt	623/1		
	AL	5876432	3/02/99	Lau et al.	623/1		
	AM	5902317	5/11/99	Kleshinski et al.	606/198		
	AN	5913895	6/22/99	Burpee et al.	623/1		
	AO	5916263	6/29/99	Goicoechea et al.	606/1		
	AP	5938696	8/17/99	Goicoechea et al.	606/1		
	AQ	6013854	1/11/00	Moriuchi	606/194		
	AR	6051020	4/18/00	Goicoechea et al.	623/1		
	AS	6090127	7/18/00	Globerman	606/194		
	AT	6106548	8/22/00	Roubin et al.	623/1.15		
	AU	6129755	10/10/00	Mathis et al.	623/1.15		
	AV	6273911	8/14/01	Cox et al.	623/1.15		
	AW	6451052	9/17/02	Burmeister et al.	623/1.16		
	AX	6464722	10/15/02	Isreal et al.	623/1.17		
	AY	6582461	6/24/02	Bermister et al.	623/1.18		
	AZ	6596022	7/22/03	Lau et al.	623/1.16		
EXAMINER			DATE CONSIDERED				

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



UNPUBLISHED US APPLICATIONS NOT RELATED BY PRIORITY (COPIES ENCLOSED)			ATTY DOCKET NO.: S63.2N-5605-US04		APPLICATION NO. 09/666866	
			APPLICANT: Brian J. Brown and Michael L. Davis			
			FILING DATE: September 20, 2000		GROUP: 3738	
FOREIGN PATENT DOCUMENTS						
		DOCUMENT NUMBER	DATE	COUNTRY		
	BA					
	BB					
OTHER ART (Including Author, Title, Date, Pertinent Pages, Ect.)						
	CA		Starck, E., "First Clinical Experience with the Memotherm Vascular Stent:, STENTS State of the Art Future Developments, pages 59-62 (June 1995).			
	CB		Melzer, A. et al., "Performance Improvement of Surgical Instrumentation Through the Use of Ni-Ti Materials, Proceedings of SMST-94 The First International Conference on Shape Memory and Superelastic Technologies, pages 401-409 (March 7-10. 1994).			
	CC					
UNPUBLISHED US APPLICATIONS NOT RELATED BY PRIORITY						
EXAM'S INIT.		APPLICATION NO.	FILING DATE	INVENTOR(S)		
	DA					
	DB					
	DC					
	DD					
	DE					
US APPLICATIONS RELATED BY PRIORITY						
EXAM'S INIT		APPLICATION NO.	FILING DATE	PATENT NO.	INVENTOR(S)	FORM 1449/892 ENC
	EA					
	EB					
	EC					
	ED					
	EE					
	EF					
EXAMINER			DATE CONSIDERED			
EXAMINER: Initial if application considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.						